

TYLER ROBERTSON, a single person,
and PACIFIC WILDFIRE, LLC, a Nevada
limited liability company,

Plaintiff,

vs.

ERIC HELPENSTELL and ANNETTE
LUNDERVILLE, husband and wife; and
the marital community comprised thereof,
d/b/a PACIFIC WILDFIRE NORTHWEST,

Defendants.

Case No.: C07-5157-JKA

**STIPULATION AND AMENDED ORDER
APPOINTING RECEIVER AND STAYING
PROCEEDING**

2. The Receiver shall be paid reasonable compensation based upon an hourly rate of \$125.00 per hour, plus all reasonable out of pocket costs incurred;

STIPULATION FOR AMENDED ORDER APPOINTING RECEIVER AND STAYING PROCEEDING - 1

3. The Receiver is authorized to retain counsel, and other professionals as he deems it appropriate, and is directed to act in compliance with the Federal Laws of Civil Procedure, and the Local Rules for the United States District Court of the Western District of Washington;

4. The parties and counsel are directed to work cooperatively with the Receiver as he exercises the authority of his office;

5. In recognition of the geographical constraints, the court may entertain resolution of disputes telephonically, if necessary;

6. The trial date may be stricken and the matter is stayed pending a motion by either party or court intervention. The clerk is directed to schedule a status check date of October 1, 2008;

7. The Receiver is specifically instructed to examine, take into his possession, analyze or dispose of if valueless, and sell in a commercially reasonable manner the personal property located and described as follows:

a) The personal property owned by Pacific Wildfire, LLC located at that certain real property with an address of 1337 Lake Hazel, Boise, Idaho and more particularly described on Exhibit A attached hereto (the "Real Property"). The court recognizes that the Real Property has been sold or transferred by Pacific Wildfire, LLC and that the Receiver will have to work with the current owner of the Real Property in order to take possession of the Pacific Wildfire, LLC's personal property located thereon.

b) the personal property located in storage unit 750 located at Republic Storage, 3501 S. Lindsay, Boise Idaho 83705. This storage unit is

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registered under the name of Tyler Robertson. The storage unit's operators are specifically instructed to treat the Receiver as having authority from this court to enter into such storage unit and remove the personal property located therein.

The Receiver shall take control of the storage unit.

c) the personal property located in storage unit #1102 located at 5200 E. Grand Forest Dr., Boise, ID Storage at Columbia Self Storage. This storage unit is registered under the name of Eric Helpenstell. The storage unit's operators are specifically instructed to treat the Receiver as having authority from this court to enter into such storage unit and remove the personal property located therein. The Receiver shall take control of the storage unit.

d) that certain claim of Pacific Wildfire, Inc. against the Dept. of Agriculture currently pending before the Civilian Board of Contract Appeals, CBCA 664.

8. The Receiver shall have authority to execute a bill of sale and any other appropriate documents necessary to properly transfer the personal property identified above to a third party purchaser on behalf of Pacific Wildfire, LLC.

9. The parties have been unable to resolve who are legitimate creditors of Pacific Wildfire, LLC and what amounts, if any, are owed to such creditors. Thus, the parties acknowledge that attached hereto as Exhibit B is a master list of all creditors who are allegedly one or more parties hereto to be legitimate creditors of Pacific Wildfire, LLC. The Receiver is instructed to evaluate the claims of each of these creditors, and make a recommendation to

the court as to which creditors should be paid and how much such creditors should be paid. The parties shall provide to the Receiver all documentation relating to claims by such creditors so that the Receiver may reasonably complete his investigation and analysis.

10. The Receiver is specifically instructed to conduct an audit of the book and records of Pacific Wildfire, LLC. The Receiver is specifically authorized and empowered with the authority to subpoena documents and testimony from non-party witnesses, including bank account records. The Receiver is instructed to make a report to the Court on the results and findings of the audit.

DATED this 10th day of September, 2008.

CLAUSEN LAW FIRM

/s/
Robert J. Monjay, attorneys for Plaintiffs

LOWENBERG, LOPEZ & HANSEN, P.S.

/s/
Stephen M. Hansen, attorneys for Defendants

/s/
Richard E. Crawford, as Receiver

BASED UPON the above and forgoing stipulation, IT IS SO ORDERED.

DONE IN OPEN COURT this 17th day of September, 2008.

/s/ J. Kelley Arnold
J. KELLEY ARNOLD
United States Magistrate Judge

Presented by

LOWENBERG, LOPEZ & HANSEN, P.S.

_____/s/_____
STEPHEN M. HANSEN, WSBA# 15642
Attorney for Defendants

COPY RECEIVED, APPROVED FOR ENTRY:

CLAUSEN LAW FIRM

_____/s/_____
Robert J. Monjay, WSBA
Of Attorneys for Plaintiffs

Exhibit A
LEGAL DESCRIPTION

A tract of land situated in a portion of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter, Section 3, Township 2 North, Range 2 East, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the section corner common to Sections 34, 35, 3 and 2;
Thence North 89°51'19" West along the North line of Section 3, a distance of 1326.66 feet to the Point of Beginning;
Thence South 0°28'58" East, a distance of 265.00 feet;
Thence South 89°51'19" East, a distance of 190.00 feet;
Thence North 0°28'58" West, a distance of 265.00 feet to a point on the North line of Section 3;
Thence North 89°51'19" West, a distance of 190.00 feet to the Point of Beginning.